

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : **10/528264**
Applicant : Degott et al.
Filing date : March 17, 2005
Title : Method and Ink Sets for Marking and Authenticating Articles
TC/A.U. : 1755
Examiner : **Barbara Rainer**
Docket No. : **5612**
Customer No. : 26936

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

ELECTION

Sir:

In response to the Restriction Requirement dated September 19, Applicant elects to prosecute the invention identified by the examiner as Group II – namely, claims 26-45 and 57-60 – without prejudice to the filing of a divisional application directed to the nonelected claims.

However, this election is made with traverse, because we believe the correct standard for restriction has not been applied. This application is the national phase of a PCT application; therefore, the question of unity should be assessed according to PCT Rule 13.2. U.S. restriction practice is not appropriate.

If the PCT standard is applied, then unity of invention is apparent. Rule 13.2 requires that a common inventive concept underlie all independent claims. In the present case, the common inventive concept is the printing ink of claim 26. That ink

is an essential part of method claim 43, which itself is an essential part of claim 46,
and so on.

We respectfully request that the requirement for restriction be reconsidered and
withdrawn.

/Charles Fallow/

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